IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

OP.No. 8833 of 2001(B)

PETITIONER:

T.O. POULOSE, AGED 78 YEARS, SON OF OUSEPH, THETTAYIL HOUSE, PUTHEYEDAM KARA, KANJOOR, ALUVA TALUK.

BY ADV. SRI.C.D.JOHNY
SRI.LIFFY P. FRANCIS

RESPONDENTS:
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1. DISTRICT COLLECTOR, ERNAKULAM.

2. THE SURVEY OFFICER, KIZHAKUMBHAKOM

3. THE VILLAGE OFFICER, KIZHAKUMBAKOM.

4. THE TAHSILDAR, ALUVA TALUK.

BY GOVT.PLEADER SMT. R. BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 14133 OF 2001 IN OP 8833 OF 2001

DISMISSED

21.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE PHOTOSTAT COPY OF THE SALE DEED NO. 58/1989 OF SREEMOOLANAGARAM SUB REGISTRY OFFICE.

EXT.P2 TRUE PHOTOSTAT COPY OF THE SALE DEED NO. 250/1991 OF SREEMOOLANAGARAM SUB REGISTRY OFFICE.

EXT.P3 TRUE PHOTOSTAT COPY OF THE KREYA CERTIFICATE NO. 817/1976 OBTAINED FROM THE ANGAMALY LAND TRIBUNAL.

EXT.P4 TRUE PHOTOSTAT COPY OF THE SALE DEED NO. 1793/1986 OF SREEMOOLANAGARAM SUB REGISTRY OFFICE.

EXT.P5 TRUE PHOTOSTAT COPY OF THE BASIC TAX RECEIPT OF THE PETITIONER'S PROPERTY.

EXT.P6 TRUE PHOTOSTAT COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 8833 OF 2001

Dated this the 21st day of March, 2007

JUDGMENT

O.P. is filed for quashing resurvey proceedings and for direction to conduct fresh survey and demarcation of boundaries of petitioner's property. I do not think petitioner is entitled to ask for quashing the resurvey proceedings on the alleged ground of want of notice. The grievance of the petitioner is that on resurvey extent of land held by the petitioner is less than what is shown in the document. In the circumstances, O.P. is disposed of directing the concerned respondent to conduct resurvey of the petitioner's property on application by the petitioner and on remittance of required fee by the petitioner after notice to neighbouring owners and with reference to title deeds and furnish a survey report to the petitioner within two months from the date of making application by the petitioner along with remittance of fee.

(C.N.RAMACHANDRAN NAIR)
Judge